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EXAMINER

LELE, TANMAY S

ART UNIT	PAPER NUMBER
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2684

DATE MAILED: 08/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/006,045

Applicant(s)

ROSEN ET AL.

Examiner

Tanmay S Lele

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 15 May 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-60 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-60 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 15 May 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

***Response to Arguments***

1. Applicant's arguments with respect to claims 1, 14, 27, and 40, have been considered but are moot in view of the new ground(s) of rejection.
2. Applicant's arguments filed 15 May 2003 have been fully considered but they are not persuasive.
3. In response to applicant's argument that "[Yao does not disclose] ... re-establishing traffic channel . . . simultaneously with the transmitting the floor-control request," of "renegotiating a radio link protocol (RLP) . . . simultaneously with the transmitting the floor-control request," of "receiving a response to the floor-control request on a forward common channel" of "receiving the response includes receiving the response on a forward paging channel," a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963).

Regarding claims 6 and 32 Applicant attempts to overcome the rejection by stating, " [Yao does not disclose] re-establishing traffic channel . . . simultaneously with the transmitting the floor-control request." As stated in the previous Office Action, (paper number 5, page 3) in the cited passages, note that when the PTT (push to talk) button is pressed resources are allocated (column 10, lines 39 – 48) and hence when the PTT button is pressed (the floor request) the traffic channel is allocated (as the process

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for link establishment remains as stated, detailed in column 10, lines 5 –23). Hence, Examiner is not persuaded by the Applicant's argument that the references do not teach, suggest, or disclose the features as claimed.

Regarding claims 8 and 34, Applicant attempts to overcome the rejection by stating, “[Yao does not disclose] renegotiating a radio link protocol (RLP) . . . simultaneously with the transmitting the floor-control request,” and further, “there is not mention of renegotiating a radio link protocol.” As stated in the previous Office Action, (paper number 5, page 3) in the cited passages, a description of the establishment of RLP is made (note that on the reverse channel mobiles communicate with the base station via an access channel in column 7, lines 51 – 56). Note that this process is on-going simultaneously when the PTT button is pressed requesting a desired to speak (for example, column 8, lines 15 –25). Hence, Examiner is not persuaded by the Applicant's argument that the references do not teach, suggest, or disclose the features as claimed.

Regarding claims 10 – 11 and 36 and 37, Applicant attempts to overcome the rejection by stating, “[Yao does not disclose] receiving a response to the floor-control request on a forward common channel" or "receiving the response includes receiving the response on a forward paging channel." As stated in the previous Office Action, (paper number 5, page 4 in the cited passages, Yao, in view of Maher, teach of “when the remote unit has established a communications it receives the signaling ... on the forward link traffic channel...” and “...the bases station ... sends a response ... on the paging channel “ (inherently forward as it is being sent from the base station to the mobile). Hence, Examiner is not persuaded by the Applicant's argument that the references do not teach, suggest, or disclose the features as claimed.

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Regarding claims 19, 21, 45, and 47, Applicant attempts to overcome the rejection by stating, "neither Yao nor Maher discloses the claimed limitations as discussed for claims 6 and 8." As stated in the previous Office Action (paper number 3) and above for those respective claims, it is believed these limitations have been addressed. Hence, Examiner is not persuaded by the Applicant's argument that the references do not teach, suggest, or disclose the features as claimed.

Regarding claims 23-24 and 49-50, Applicant attempts to overcome the rejection by stating, "neither Yao nor Maher discloses the claimed limitations as discussed for claims 10 -11." As stated in the previous Office Action (paper number 3) and above for those respective claims, it is believed these limitations have been addressed. Hence, Examiner is not persuaded by the Applicant's argument that the references do not teach, suggest, or disclose the features as claimed.

4. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Regarding claims 4 and 30, Applicant attempts to overcome the rejection by stating, neither Yao nor Pan discloses "transmitting the floor-control request on a reverse enhanced access channel (R-EACH)." As stated in the previous Office Action, (paper number 5, pages 6 and 7) in the cited passages, Pan was introduced to teach of the R-EACH, since as stated in the previous Office Action, this term is synonymous with cdma2000 systems (as Pan teaches). Hence, Examiner is not persuaded by the

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Applicant's argument that the references, when combined for the cite reasons, do not teach, suggest, or disclose the features as claimed.

Regarding claims 12, 25, 38, and 51, Applicant attempts to overcome the rejection by stating, "neither Lao nor Gu discloses 'receiving the response on a forward common control channel (F-CCCH) of the wireless network,'" As stated in the previous Office Action, (paper number 5, pages 8 and 9) in the cited passages, Gu teaches of 'receiving the response on a forward common control channel (F-CCCH) of the wireless network' (note that in suspended mode all mobiles monitor a paging channel, common to all and which controls them to Active or dormant states).

5. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., transmitting the floor-control request as an Internet protocol (IP) datagram in short data burst (SDB) form and receiving the response in short data burst (SDB) form on a forward common channel and transmitting includes transmitting the floor-control request on a reverse access channel (R-ACH) of the wireless network and transmitting the floor-control request as an Internet protocol (IP) datagram in short data burst (SDB) form) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Regarding claims 9 and 35, Applicant states, "neither Lao nor Gu discloses transmitting the floor-control request as an Internet protocol (IP) datagram in short data burst (SDB) form." As this was not directly claimed, the Examiner is not persuaded by

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the Applicant's argument that the references, when combined for the cite reasons, do not teach, suggest, or disclose the features as claimed.

Regarding claims 13, 26, 39, and 52 Applicant states, "receiving the response in short data burst (SDB) form on a forward common channel." As, "on a forward common channel" was not directly claimed, the Examiner is not persuaded by the Applicant's argument that the references, when combined for the cite reasons, do not teach, suggest, or disclose the features as claimed.

Regarding claims 17 and 43 Applicant states, "transmitting includes transmitting the floor-control request on a reverse access channel (R-ACH) of the wireless network." As, "reverse access channel (R-ACH)" was not directly claimed, the Examiner is not persuaded by the Applicant's argument that the references, when combined for the cite reasons, do not teach, suggest, or disclose the features as claimed (see response to claims 4 and 30 in addition).

Regarding claims 22 and 48 Applicant states, "transmitting the floor-control request as an Internet protocol (IP) datagram in short data burst (SDB) form." As, "as an Internet protocol (IP) datagram" was not directly claimed, the Examiner is not persuaded by the Applicant's argument that the references, when combined for the cite reasons, do not teach, suggest, or disclose the features as claimed.

## **DETAILED ACTION**

### ***Claim Objections***

6. Claim 56 is objected to because of the following informalities: an apparatus depends on the method in claim 1 (and hence would be a duplicate of claim 53).

Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1 – 3, 5 – 8, 10, 11, 27 – 29, 31 – 34, 36, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yao et al (Yao, US Patent No. 5,983,099) in view of Maher et al. (Maher, US Patent No. 6,298,058).

Regarding claim 1, Yao, in view of Maher, teach of in a communication device, a method for reducing latency in a group communication network (column 6, lines 1 – 6), the method comprising: receiving a floor-control request from a user of the communication device who wishes to initiate a group call (starting column 6, line 66 and ending column 7, line 12); and transmitting the floor-control request on a reverse common channel of a wireless network to a controller (column 7, lines 21 – 39 and further in column 6, lines 31 – 55 and starting column 9, line 65 and ending column 10, line 4).

Yao does not specifically teach of as an Internet (IP) datagram.

In a related art dealing with talk groups in an IP network, Maher teaches of an Internet (IP) datagram (column 4, lines 25 – 40 and column 6, lines 36 – 46).

It would have been obvious to one skilled in the art at time of invention to have included into Yao's group call system, Maher's IP systems, for the purposes of migration to next generation services with provisions that allow for priority (as in case of emergency) as taught by Maher.



Regarding claim 2, Yao, in view of Maher, teach all the claimed limitations as recited in claim 1. Yao further teaches of wherein the receiving includes receiving the floor-control request through a push-to-talk (PTT) device (starting column 9, line 65 and ending column 10, line 4).

Regarding claim 3, Yao, in view of Maher, teach all the claimed limitations as recited in claim 1. Yao further teaches of wherein the transmitting includes transmitting the floor control request on a reverse access channel (RACH) of the wireless network (column 7, lines 2 – 12).

Regarding claim 5, Yao, in view of Maher, teach all the claimed limitations as recited in claim 1. Yao further teaches of including re-establishing traffic channel for the communication device (column 10, lines 51 – 56).

Regarding claim 6, Yao, in view of Maher, teach all the claimed limitations as recited in claim 1. Yao further teaches of including re-establishing traffic channel for the communication device simultaneously with the transmitting the floor-control request (column 10, lines 51 – 56).

Regarding claim 7, Yao, in view of Maher, teach all the claimed limitations as recited in claim 1. Yao further teaches of including renegotiating a radio link protocol (RLP) for the communication device (column 7, lines 24 – 56).

Regarding claim 8, Yao, in view of Maher, teach all the claimed limitations as recited in claim 1. Yao further teaches of including renegotiating a radio link protocol (RLP) for the communication device simultaneously with the transmitting the floor-control request (column 7, lines 24 – 56).

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Regarding claim 10, Yao, in view of Maher, teach all the claimed limitations as recited in claim 1. Yao further teaches of further including receiving a response to the floor-control request on a forward common channel of the wireless network (column 7, lines 21 – 39).

Regarding claim 11, Yao, in view of Maher, teach all the claimed limitations as recited in claim 10. Yao further teaches of wherein the receiving the response includes receiving the response on a forward paging channel (F-PCH) of the wireless network (column 10, lines 5 – 22).

Regarding claim 27, Yao, in view of Maher, teach of in a communication device for reducing latency in a group communication network (column 6, lines 1 – 6), comprising: means for receiving a floor-control request from a user of the communication device who wishes to initiate a group call (starting column 6, line 66 and ending column 7, line 12); and means for transmitting the floor-control request on a reverse common channel of a wireless network to a controller (column 7, lines 21 – 39 and further in column 6, lines 31 – 55 and starting column 9, line 65 and ending column 10, line 4).

Yao does not specifically teach of as an Internet (IP) datagram.

In a related art dealing with talk groups in an IP network, Maher teaches of an Internet (IP) datagram (column 4, lines 25 – 40 and column 6, lines 36 – 46).

It would have been obvious to one skilled in the art at time of invention to have included into Yao's group call system, Maher's IP systems, for the purposes of migration to next generation services with provisions that allow for priority (as in case of emergency) as taught by Maher.

Regarding claim 28, Yao, in view of Maher, teach all the claimed limitations as recited in claim 27. Yao further teaches of wherein the means for receiving includes receiving the floor-control request through a push-to-talk (PTT) device (starting column 9, line 65 and ending column 10, line 4).

Regarding claim 29, Yao, in view of Maher, teach all the claimed limitations as recited in claim 27. Yao further teaches of wherein the means for transmitting includes transmitting the floor control request on a reverse access channel (RACH) of the wireless network (column 7, lines 2 – 12).

Regarding claim 31, Yao, in view of Maher, teach all the claimed limitations as recited in claim 27. Yao further teaches of including the means for re-establishing traffic channel for the communication device (column 10, lines 51 – 56).

Regarding claim 32, Yao, in view of Maher, teach all the claimed limitations as recited in claim 27. Yao further teaches of including the means for re-establishing traffic channel for the communication device simultaneously with the transmitting the floor-control request (column 10, lines 51 – 56).

Regarding claim 33, Yao, in view of Maher, teach all the claimed limitations as recited in claim 27. Yao further teaches of including the means for renegotiating a radio link protocol (RLP) for the communication device (column 7, lines 24 – 56).

Regarding claim 34, Yao, in view of Maher, teach all the claimed limitations as recited in claim 27. Yao further teaches of including the means for renegotiating a radio link protocol (RLP) for the communication device simultaneously with the transmitting the floor-control request (column 7, lines 24 – 56).

Regarding claim 36, Yao, in view of Maher, teach all the claimed limitations as recited in claim 27. Yao further teaches of including the means for receiving a response to the floor-control request on a forward common channel of the wireless network (column 7, lines 21 – 39).

Regarding claim 37, Yao, in view of Maher, teach all the claimed limitations as recited in claim 36. Yao further teaches of wherein the means for receiving the response includes receiving the response on a forward paging channel (F-PCH) of the wireless network (column 10, lines 5 – 22).

9. Claims 4 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yao et al (Yao, US Patent No. 5,983,099) in view of Maher et al. (Maher, US Patent No. 6,298,058) as applied to claims 1 and 27 above, and further in view of Pan et al. (Pan, US Patent No. 6,308,079).

Regarding claim 4, Yao in view of Maher teach all the claimed limitations as recited in claim 1. Yao further teaches of wherein the transmitting includes transmitting the floor control request on a reverse access channel (R-ACH) of the wireless network (column 7, lines 2 – 12).

Yao in view of Maher do not specifically teach of [wherein the transmitting includes transmitting the floor control request on] a reverse enhanced access channel (R-EACH) [of the wireless network] (note that a R-EACH is used in cdma2000).

In a related art dealing with talk group call in a wireless system, Pan teaches the use of a group call in a cdma2000 environment and thus obviously [wherein the transmitting includes transmitting the floor control request on] a reverse enhanced access channel (R-EACH) [of the wireless network] (column 3, lines 34 – 50).

It would have been obvious to one skilled in the art at the time of invention to have included into Yao and Maher's group call method, Pan's cdma 2000 structure, for the purposes of migration to the next generation of services, as taught by Pan.

Regarding claim 30, Yao in view of Maher teach all the claimed limitations as recited in claim 27. Yao further teaches of wherein the means for transmitting includes transmitting the floor control request on a reverse access channel (R-ACH) of the wireless network (column 7, lines 2 – 12).

Yao in view of Maher do not specifically teach of [wherein the means for transmitting includes transmitting the floor control request on] a reverse enhanced access channel (R-EACH) [of the wireless network] (note that a R-EACH is used in cdma2000).

In a related art dealing with talk group call in a wireless system, Pan teaches the use of a group call in a cdma2000 environment and thus obviously [wherein the means for transmitting includes transmitting the floor control request on] a reverse enhanced access channel (R-EACH) [of the wireless network] (column 3, lines 34 – 50).

It would have been obvious to one skilled in the art at the time of invention to have included into Yao and Maher's group call method, Pan's cdma 2000 structure, for the purposes of migration to the next generation of services, as taught by Pan.

10. Claims 9, 12, 13, 35, 38, and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yao et al (Yao, US Patent No. 5,983,099) in view of Maher et al. (Maher, US Patent No. 6,298,058) as applied to claims 1 and 10 above, and further in view of Gu et al. (Gu, International Application, WO 99/53631).

Regarding claim 9, Yao in view of Maher teach all the claimed limitations as

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recited in claim 1. Yao further teaches of wherein the transmitting includes transmitting the floor control request (starting column 6, line 66 and ending column 7, line 12).

Yao in view of Maher do not specifically teach of [wherein the transmitting includes transmitting the floor control request] in short data burst (SDB) form.

In a related art dealing with the transmission of user data on the reverse common channel, Gu teaches of [wherein the transmitting includes transmitting the floor control request] in short data burst (SDB) form (page 3, lines 2 – 4 and page 6, lines 11 - 22).

It would have been obvious to one skilled in the art at the time of invention to have included into Yao and Maher's group call method, Gu's short data burst form, for the purposes of ensuring a high quality transmission, response time, and gain rate, as taught by Gu.

Regarding claim 12, Yao in view of Maher teach all the claimed limitations as recited in claim 10. Yao in view of Maher do not specifically teach of wherein the receiving the response includes receiving the response on a forward common control channel (F-CCCH) of the wireless network.

In a related art dealing with the transmission of user data on the reverse common channel, Gu teaches of wherein the receiving the response includes receiving the response on a forward common control channel (F-CCCH) of the wireless network (starting page 5, line 19 and ending page 6, lines 3).

It would have been obvious to one skilled in the art at the time of invention to have included into Yao and Maher's group call method, Gu's short data burst form, for the purposes of ensuring a high quality transmission, response time, and gain rate, as taught by Gu.

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Regarding claim 13, Yao in view of Maher teach all the claimed limitations as recited in claim 10. Yao in view of Maher do not specifically teach of wherein the receiving the response includes receiving the response in short data burst (SDB) form.

In a related art dealing with the transmission of user data on the reverse common channel, Gu teaches of wherein the receiving the response includes receiving the response in short data burst (SDB) form (page 16, lines 13 – 21 and page 9, lines 9 – 12).

It would have been obvious to one skilled in the art at the time of invention to have included into Yao and Maher's group call method, Gu's short data burst form, for the purposes of ensuring a high quality transmission, response time, and gain rate, as taught by Gu.

Regarding claim 35, Yao in view of Maher teach all the claimed limitations as recited in claim 27. Yao further teaches of wherein the means for transmitting includes transmitting the floor control request (starting column 6, line 66 and ending column 7, line 12).

Yao in view of Maher do not specifically teach of [wherein the means for transmitting includes transmitting the floor control request] in short data burst (SDB) form.

In a related art dealing with the transmission of user data on the reverse common channel, Gu teaches of [wherein the means for transmitting includes transmitting the floor control request] in short data burst (SDB) form (page 3, lines 2 – 4 and page 6, lines 11 - 22).

It would have been obvious to one skilled in the art at the time of invention to have included into Yao and Maher's group call method, Gu's short data burst form, for

the purposes of ensuring a high quality transmission, response time, and gain rate, as taught by Gu.

Regarding claim 38, Yao in view of Maher teach all the claimed limitations as recited in claim 37. Yao in view of Maher do not specifically teach of wherein the means for receiving the response includes receiving the response on a forward common control channel (F-CCCH) of the wireless network.

In a related art dealing with the transmission of user data on the reverse common channel, Gu teaches of wherein the means for receiving the response includes receiving the response on a forward common control channel (F-CCCH) of the wireless network (starting page 5, line 19 and ending page 6, lines 3).

It would have been obvious to one skilled in the art at the time of invention to have included into Yao and Maher's group call method, Gu's short data burst form, for the purposes of ensuring a high quality transmission, response time, and gain rate, as taught by Gu.

Regarding claim 39, Yao in view of Maher teach all the claimed limitations as recited in claim 36. Yao in view of Maher do not specifically teach of wherein the means for receiving the response includes receiving the response in short data burst (SDB) form.

In a related art dealing with the transmission of user data on the reverse common channel, Gu teaches of wherein the means for receiving the response includes receiving the response in short data burst (SDB) form (page 16, lines 13 – 21 and page 9, lines 9 – 12).

It would have been obvious to one skilled in the art at the time of invention to have included into Yao and Maher's group call method, Gu's short data burst form, for



the purposes of ensuring a high quality transmission, response time, and gain rate, as taught by Gu.

11. Claim 14 – 16, 18 – 21, 23, 24, 40 – 42, 44 – 47, 49 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yao et al (Yao, US Patent No. 5,983,099) in view of Maher et al. (Maher, US Patent No. 6,298,058) in further view of Maher et al. (Maher, US Patent No. 5,450,405).

Regarding claim 14, Yao teaches of in a communication device, a method for reducing latency in a group communication network (column 6, lines 1 – 6), the method comprising: receiving a floor-control request from a user of the communication device who wishes to initiate a group call (starting column 6, line 66 and ending column 7, line 12); and transmitting the floor-control request on a reverse common channel of a wireless network to a controller (column 7, lines 21 – 39 and further in column 6, lines 31 – 55 and starting column 9, line 65 and ending column 10, line 4).

Yao does not specifically teach of as an Internet (IP) datagram or of a computer-readable medium.

In a related art dealing with talk groups in an IP network, Maher (6,298,058) teaches of an Internet (IP) datagram (column 4, lines 25 – 40 and column 6, lines 36 – 46).

It would have been obvious to one skilled in the art at time of invention to have included into Yao's group call system, Maher (6,298,058)'s IP systems, for the purposes of migration to next generation services with provisions that allow for priority (as in case of emergency) as taught by Maher (6,298,058).

Yao in view of Maher (6,298,058) do not specifically teach of a computer-

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readable medium.

In a related art dealing with establishing and maintaining communication processing information for a group call, Maher (5,450,405) teaches of computer-readable medium (column 2, lines 52 -63).

It would have been obvious to one skilled in the art to have included into Yao and Maher (6,298,058)'s group call's method, Maher (5,450,405)'s processor, for the purposes of establishing and maintaining a group call system with little associated pass through delay, as taught by Maher (5,450,405).

Regarding claim 15, Yao in view of Maher (6,298,058) and Maher (5,450,405), teach all the claimed limitations as recited in claim 14. Yao further teaches of wherein the receiving includes receiving the floor-control request through a push-to-talk (PTT) device (starting column 9, line 65 and ending column 10, line 4).

Regarding claim 16, Yao in view of Maher (6,298,058) and Maher (5,450,405), teach all the claimed limitations as recited in claim 14. Yao further teaches of wherein the transmitting includes transmitting the floor control request on a reverse access channel (RACH) of the wireless network (column 7, lines 2 – 12).

Regarding claim 18, Yao in view of Maher (6,298,058) and Maher (5,450,405), teach all the claimed limitations as recited in claim 14. Yao further teaches of including re-establishing traffic channel for the communication device (column 10, lines 51 – 56).

Regarding claim 19, Yao in view of Maher (6,298,058) and Maher (5,450,405), teach all the claimed limitations as recited in claim 14. Yao further teaches of including re-establishing traffic channel for the communication device simultaneously with the transmitting the floor-control request (column 10, lines 51 – 56).

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Regarding claim 20, Yao in view of Maher (6,298,058) and Maher (5,450,405), teach all the claimed limitations as recited in claim 14. Yao further teaches of including renegotiating a radio link protocol (RLP) for the communication device (column 7, lines 24 – 56).

Regarding claim 21, Yao in view of Maher (6,298,058) and Maher (5,450,405), teach all the claimed limitations as recited in claim 14. Yao further teaches of including renegotiating a radio link protocol (RLP) for the communication device simultaneously with the transmitting the floor-control request (column 7, lines 24 – 56).

Regarding claim 23, Yao in view of Maher (6,298,058) and Maher (5,450,405), teach all the claimed limitations as recited in claim 14. Yao further teaches of further including receiving a response to the floor-control request on a forward common channel of the wireless network (column 7, lines 21 – 39).

Regarding claim 24, Yao in view of Maher (6,298,058) and Maher (5,450,405), teach all the claimed limitations as recited in claim 23. Yao further teaches of wherein the receiving the response includes receiving the response on a forward paging channel (F-PCH) of the wireless network (column 10, lines 5 – 22).

Regarding claim 40, Yao teaches of in a communication device, a method for reducing latency in a group communication network (column 6, lines 1 – 6), the method comprising: receiving a floor-control request from a user of the communication device who wishes to initiate a group call (starting column 6, line 66 and ending column 7, line 12); and transmitting the floor-control request on a reverse common channel of a wireless network to a controller (column 7, lines 21 – 39 and further in column 6, lines 31 – 55).

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and starting column 9, line 65 and ending column 10, line 4) and a receiver and transmitter (as seen in Figures 1 and 2 and column 6, lines 31 – 60).

Yao does not specifically teach of a processor communicatively coupled to the receiver and the transmitter or of as an Internet (IP) datagram.

In a related art dealing with talk groups in an IP network, Maher (6,298,058) teaches of an Internet (IP) datagram (column 4, lines 25 – 40 and column 6, lines 36 – 46).

It would have been obvious to one skilled in the art at time of invention to have included into Yao's group call system, Maher (6,298,058)'s IP systems, for the purposes of migration to next generation services with provisions that allow for priority (as in case of emergency) as taught by Maher (6,298,058).

Yao in view of Maher (6,298,058) do not specifically teach of a processor communicatively coupled to the receiver and the transmitter.

In a related art dealing with establishing and maintaining communication processing information for a group call, Maher (5,450,405) teaches of a processor communicatively coupled to the receiver and the transmitter (column 2, lines 52 – 63).

It would have been obvious to one skilled in the art to have included into Yao and Maher (6,298,058)'s group call's method, Maher (5,450,405)'s processor, for the purposes of establishing and maintaining a group call system with little associated pass through delay, as taught by Maher (5,450,405).

Regarding claim 41, Yao in view of Maher (6,298,058) and Maher (5,450,405), teach all the claimed limitations as recited in claim 40. Yao further teaches of wherein

the receiving includes receiving the floor-control request through a push-to-talk (PTT) device (starting column 9, line 65 and ending column 10, line 4).

Regarding claim 42, Yao in view of Maher (6,298,058) and Maher (5,450,405), teach all the claimed limitations as recited in claim 40. Yao further teaches of wherein the transmitting includes transmitting the floor control request on a reverse access channel (RACH) of the wireless network (column 7, lines 2 – 12).

Regarding claim 44, Yao in view of Maher (6,298,058) and Maher (5,450,405), teach all the claimed limitations as recited in claim 40. Yao further teaches of including re-establishing traffic channel for the communication device (column 10, lines 51 – 56).

Regarding claim 45, Yao in view of Maher (6,298,058) and Maher (5,450,405), teach all the claimed limitations as recited in claim 40. Yao further teaches of including re-establishing traffic channel for the communication device simultaneously with the transmitting the floor-control request (column 10, lines 51 – 56).

Regarding claim 46, Yao in view of Maher (6,298,058) and Maher (5,450,405), teach all the claimed limitations as recited in claim 40. Yao further teaches of including renegotiating a radio link protocol (RLP) for the communication device (column 7, lines 24 – 56).

Regarding claim 47, Yao in view of Maher (6,298,058) and Maher (5,450,405), teach all the claimed limitations as recited in claim 40. Yao further teaches of including renegotiating a radio link protocol (RLP) for the communication device simultaneously with the transmitting the floor-control request (column 7, lines 24 – 56).

Regarding claim 49, Yao in view of Maher (6,298,058) and Maher (5,450,405), teach all the claimed limitations as recited in claim 40. Yao further teaches of further

including receiving a response to the floor-control request on a forward common channel of the wireless network (column 7, lines 21 – 39).

Regarding claim 50, Yao in view of Maher (6,298,058) and Maher (5,450,405), teach all the claimed limitations as recited in claim 49. Yao further teaches of wherein the receiving the response includes receiving the response on a forward paging channel (F-PCH) of the wireless network (column 10, lines 5 – 22).

12. Claims 17 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yao et al (Yao, US Patent No. 5,983,099) and Maher et al. (Maher, US Patent No. 6,298,058) and Maher et al. (Maher, US Patent No. 5,450,405) as applied to claims 14 and 40 above, and further in view of Pan et al. (Pan, US Patent No. 6,308,079).

Regarding claim 17, Yao in view of Maher (6,298,058) and Maher (5,450,405), teach all the claimed limitations as recited in claim 14. Yao further teaches of wherein the transmitting includes transmitting the floor control request on a reverse access channel (R-ACH) of the wireless network (column 7, lines 2 – 12).

Yao in view of Maher (6,298,058) and Maher (5,450,405) do not specifically teach of [wherein the transmitting includes transmitting the floor control request on] a reverse enhanced access channel (R-EACH) [of the wireless network] (note that a R-EACH is used in cdma2000).

In a related art dealing with talk group call in a wireless system, Pan teaches the use of a group call in a cdm2000 environment and thus obviously [wherein the transmitting includes transmitting the floor control request on] a reverse enhanced access channel (R-EACH) [of the wireless network] (column 3, lines 34 – 50).

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It would have been obvious to one skilled in the art at the time of invention to have included into Yao and Maher's group call method, Pan's cdma 2000 structure, for the purposes of migration to the next generation of services, as taught by Pan.

Regarding claim 43, Yao in view of Maher (6,298,058) and Maher (5,450,405), teach all the claimed limitations as recited in claim 40. Yao further teaches of wherein the transmitting includes transmitting the floor control request on a reverse access channel (R-ACH) of the wireless network (column 7, lines 2 – 12).

Yao in view of Maher (6,298,058) and Maher (5,450,405) do not specifically teach of [wherein the transmitting includes transmitting the floor control request on] a reverse enhanced access channel (R-EACH) [of the wireless network] (note that a R-EACH is used in cdma2000).

In a related art dealing with talk group call in a wireless system, Pan teaches the use of a group call in a cdma2000 environment and thus obviously [wherein the transmitting includes transmitting the floor control request on] a reverse enhanced access channel (R-EACH) [of the wireless network] (column 3, lines 34 – 50).

It would have been obvious to one skilled in the art at the time of invention to have included into Yao and Maher's group call method, Pan's cdma 2000 structure, for the purposes of migration to the next generation of services, as taught by Pan.

13. Claims 22, 25, 26, 48, 51, and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yao et al (Yao, US Patent No. 5,983,099) and Maher et al. (Maher, US Patent No. 6,298,058) and Maher et al. (Maher, US Patent No. 5,450,405) as applied to claim 14 above, and further in view of Gu et al. (Gu, International Application, WO 99/53631).

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Regarding claim 22, Yao in view of Maher (6,298,058) and Maher (5,450,405), teach all the claimed limitations as recited in claim 14. Yao further teaches of wherein the transmitting includes transmitting the floor control request (starting column 6, line 66 and ending column 7, line 12).

Maher (6,298,058) and Maher (5,450,405) do not specifically teach of [wherein the transmitting includes transmitting the floor control request] in short data burst (SDB) form.

In a related art dealing with the transmission of user data on the reverse common channel, Gu teaches of [wherein the transmitting includes transmitting the floor control request] in short data burst (SDB) form (page 3, lines 2 – 4 and page 6, lines 11 - 22).

It would have been obvious to one skilled in the art at the time of invention to have included into Yao and Maher's group call method, Gu's short data burst form, for the purposes of ensuring a high quality transmission, response time, and gain rate, as taught by Gu.

Regarding claim 25, Yao in view of Maher (6,298,058) and Maher (5,450,405), teach all the claimed limitations as recited in claim 23. Yao does not specifically teach of wherein the receiving the response includes receiving the response on a forward common control channel (F-CCCH) of the wireless network.

In a related art dealing with the transmission of user data on the reverse common channel, Gu teaches of wherein the receiving the response includes receiving the response on a forward common control channel (F-CCCH) of the wireless network (starting page 5, line 19 and ending page 6, lines 3).



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It would have been obvious to one skilled in the art at the time of invention to have included into Yao and Maher's group call method, Gu's short data burst form, for the purposes of ensuring a high quality transmission, response time, and gain rate, as taught by Gu.

Regarding claim 26, Yao in view of Maher (6,298,058) and Maher (5,450,405), teach all the claimed limitations as recited in claim 23. Yao in view of Maher (6,298,058) and Maher (5,450,405) do not specifically teach of wherein the receiving the response includes receiving the response in short data burst (SDB) form.

In a related art dealing with the transmission of user data on the reverse common channel, Gu teaches of wherein the receiving the response includes receiving the response in short data burst (SDB) form (page 16, lines 13 – 21 and page 9, lines 9 – 12).

It would have been obvious to one skilled in the art at the time of invention to have included into Yao and Maher's group call method, Gu's short data burst form, for the purposes of ensuring a high quality transmission, response time, and gain rate, as taught by Gu.

Regarding claim 48, Yao in view of Maher (6,298,058) and Maher (5,450,405), teach all the claimed limitations as recited in claim 40. Yao further teaches of wherein the transmitting includes transmitting the floor control request (starting column 6, line 66 and ending column 7, line 12).

Yao in view of Maher (6,298,058) and Maher (5,450,405) do not specifically teach of [wherein the transmitting includes transmitting the floor control request] in short data burst (SDB) form.

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In a related art dealing with the transmission of user data on the reverse common channel, Gu teaches of [wherein the transmitting includes transmitting the floor control request] in short data burst (SDB) form (page 3, lines 2 – 4 and page 6, lines 11 - 22).

It would have been obvious to one skilled in the art at the time of invention to have included into Yao and Maher's group call method, Gu's short data burst form, for the purposes of ensuring a high quality transmission, response time, and gain rate, as taught by Gu.

Regarding claim 51, Yao in view of Maher (6,298,058) and Maher (5,450,405), teach all the claimed limitations as recited in claim 49. Yao in view of Maher (6,298,058) and Maher (5,450,405) do not specifically teach of wherein the receiving the response includes receiving the response on a forward common control channel (F-CCCH) of the wireless network.

In a related art dealing with the transmission of user data on the reverse common channel, Gu teaches of wherein the receiving the response includes receiving the response on a forward common control channel (F-CCCH) of the wireless network (starting page 5, line 19 and ending page 6, lines 3).

It would have been obvious to one skilled in the art at the time of invention to have included into Yao and Maher's group call method, Gu's short data burst form, for the purposes of ensuring a high quality transmission, response time, and gain rate, as taught by Gu.

Regarding claim 52, Yao in view of Maher (6,298,058) and Maher (5,450,405), teach all the claimed limitations as recited in claim 49. Yao does not specifically teach of

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wherein the receiving the response includes receiving the response in short data burst (SDB) form.

In a related art dealing with the transmission of user data on the reverse common channel, Gu teaches of wherein the receiving the response includes receiving the response in short data burst (SDB) form (page 16, lines 13 – 21 and page 9, lines 9 – 12).

It would have been obvious to one skilled in the art at the time of invention to have included into Yao and Maher's group call method, Gu's short data burst form, for the purposes of ensuring a high quality transmission, response time, and gain rate, as taught by Gu.

14. Claims 53 – 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over as Yao et al (Yao, US Patent No. 5,983,099) and Maher et al. (Maher, US Patent No. 6,298,058) or Yao et al (Yao, US Patent No. 5,983,099) and Maher et al. (Maher, US Patent No. 6,298,058) and Maher et al. (Maher, US Patent No. 5,450,405) applied to claims 1,14, and 27 above, and further in view Sexton et al. (Sexton, US Patent Application Publication, US2002/0159433).

Regarding claims 53 – 66, Yao in view of Maher (6,298,058) or Yao in view of Maher 6,298,058) and Maher (5,983,099) teach all the claimed limitations as recited in claims 1,14, and 27. Yao in view of Maher do not specifically teach of wherein the transmitting includes transmitting the floor-control request, which is smaller than a predetermined size, in short data burst (SDB) form.

In a related art dealing with packet data systems in radio communications, Sexton teaches of wherein the transmitting includes transmitting the floor-control request, which is smaller than a predetermined size, in short data burst (SDB) form (paragraph 0017).

It would have been obvious to one skilled in the art at the time of invention to have included into Yao and Maher(s)' group call systems, Sexton's size criteria, for the purposes of assuring the quality of transmissions, as taught by Sexton.

15. Claims 57 and 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over as Yao et al (Yao, US Patent No. 5,983,099) and Maher et al. (Maher, US Patent No. 6,298,058) and further in view Sexton et al. (Sexton, US Patent Application Publication, US2002/0159433).

Regarding claims 57 and 59, Yao teaches of a method and device for reducing latency in a group communication network (column 6, lines 1 – 6), comprising: receiving a floor-control request from a user of the communication device who wishes to initiate a group call (starting column 6, line 66 and ending column 7, line 12); and transmitting on a reverse common channel of a wireless network to a controller (column 7, lines 21 – 39 and further in column 6, lines 31 – 55 and starting column 9, line 65 and ending column 10, line 4).

Yao does not specifically teach of packaging the received floor-control request in an Internet protocol (IP) datagram or of determining whether the IP datagram is smaller than a predetermined size; and [transmitting the IP datagram], which is smaller than a predetermined size, as a short data burst.

In a related art dealing with talk groups in an IP network, Maher teaches of an packaging the received floor-control request in an Internet protocol (IP) datagram (column 4, lines 25 – 40 and column 6, lines 36 – 46).

It would have been obvious to one skilled in the art at time of invention to have included into Yao's group call system, Maher's IP systems, for the purposes of migration

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to next generation services with provisions that allow for priority (as in case of emergency) as taught by Maher.

Yao and Maher do not specifically teach of determining whether the IP datagram is smaller than a predetermined size; and [transmitting the IP datagram], which is smaller than a predetermined size, as a short data burst.

In a related art dealing with packet data systems in radio communications, Sexton teaches of determining whether the IP datagram is smaller than a predetermined size; and [transmitting the IP datagram], which is smaller than a predetermined size, as a short data burst (paragraph 0017).

It would have been obvious to one skilled in the art at the time of invention to have included into Yao and Maher(s)' group call systems, Sexton's size criteria, for the purposes of assuring the quality of transmissions, as taught by Sexton.

16. Claims 58 and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yao et al (Yao, US Patent No. 5,983,099) and Maher et al. (Maher, US Patent No. 6,298,058) and Sexton et al. (Sexton, US Patent Application Publication, US2002/0159433) and further in view Maher et al. (Maher, US Patent No. 5,450,405).

Regarding claim 58, Yao teaches of embodying a method for reducing latency in a group communication network (column 6, lines 1 – 6), comprising: receiving a floor-control request from a user of the communication device who wishes to initiate a group call (starting column 6, line 66 and ending column 7, line 12); and transmitting on a reverse common channel of a wireless network to a controller (column 7, lines 21 – 39 and further in column 6, lines 31 – 55 and starting column 9, line 65 and ending column 10, line 4).

Yao does not specifically teach of packaging the received floor-control request in an Internet protocol (IP) datagram, of determining whether the IP datagram is smaller than a predetermined size; and [transmitting the IP datagram], which is smaller than a predetermined size, as a short data burst or of a computer-readable medium.

In a related art dealing with talk groups in an IP network, Maher teaches of an packaging the received floor-control request in an Internet protocol (IP) datagram (column 4, lines 25 – 40 and column 6, lines 36 – 46).

It would have been obvious to one skilled in the art at time of invention to have included into Yao's group call system, Maher's IP systems, for the purposes of migration to next generation services with provisions that allow for priority (as in case of emergency) as taught by Maher.

Yao and Maher do not specifically teach of determining whether the IP datagram is smaller than a predetermined size; and [transmitting the IP datagram], which is smaller than a predetermined size, as a short data burst or of a computer-readable medium.

In a related art dealing with packet data systems in radio communications, Sexton teaches of determining whether the IP datagram is smaller than a predetermined size; and [transmitting the IP datagram], which is smaller than a predetermined size, as a short data burst (paragraph 0017).

It would have been obvious to one skilled in the art at the time of invention to have included into Yao and Maher(s)' group call systems, Sexton's size criteria, for the purposes of assuring the quality of transmissions, as taught by Sexton.

Yao in view of Maher and Sexton do not specifically teach of a computer-readable medium.

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In a related art dealing with establishing and maintaining communication processing information for a group call, Maher (5,450,405) teaches of computer-readable medium (column 2, lines 52 -63).

It would have been obvious to one skilled in the art to have included into Yao and Maher (6,298,058) and Sexton's group call's method, Maher (5,450,405)'s processor, for the purposes of establishing and maintaining a group call system with little associated pass through delay, as taught by Maher (5,450,405).

Regarding claim 60 Yao teaches of a communications device for reducing latency in a group communication network (column 6, lines 1 – 6), comprising: a receiver (starting column 6, line 66 and ending column 7, line 12), receiving a floor-control request from a user of the communication device who wishes to initiate a group call (starting column 6, line 66 and ending column 7, line 12); a transmitter (column 7, lines 21 – 39 and further in column 6, lines 31 – 55 and starting column 9, line 65 and ending column 10, line 4), and transmitting on a reverse common channel of a wireless network to a controller (column 7, lines 21 – 39 and further in column 6, lines 31 – 55 and starting column 9, line 65 and ending column 10, line 4).

Yao does not specifically teach of packaging the received floor-control request in an Internet protocol (IP) datagram, of determining whether the IP datagram is smaller than a predetermined size; and [transmitting the IP datagram], which is smaller than a predetermined size, as a short data burst, or of a processor communicatively coupled to the receiver and the transmitter.

In a related art dealing with talk groups in an IP network, Maher teaches of an

packaging the received floor-control request in an Internet protocol (IP) datagram (column 4, lines 25 – 40 and column 6, lines 36 – 46).

It would have been obvious to one skilled in the art at time of invention to have included into Yao's group call system, Maher's IP systems, for the purposes of migration to next generation services with provisions that allow for priority (as in case of emergency) as taught by Maher.

Yao and Maher do not specifically teach of determining whether the IP datagram is smaller than a predetermined size; and [transmitting the IP datagram], which is smaller than a predetermined size, as a short data burst, or of a processor communicatively coupled to the receiver and the transmitter.

In a related art dealing with packet data systems in radio communications, Sexton teaches of determining whether the IP datagram is smaller than a predetermined size; and [transmitting the IP datagram], which is smaller than a predetermined size, as a short data burst (paragraph 0017).

It would have been obvious to one skilled in the art at the time of invention to have included into Yao and Maher(s)' group call systems, Sexton's size criteria, for the purposes of assuring the quality of transmissions, as taught by Sexton.

Yao in view of Maher and Sexton do not specifically teach of a processor communicatively coupled to the receiver and the transmitter.

In a related art dealing with establishing and maintaining communication processing information for a group call, Maher (5,450,405) teaches of a processor communicatively coupled to the receiver and the transmitter (column 2, lines 52 -63).



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It would have been obvious to one skilled in the art to have included into Yao and Maher (6,298,058) and Sexton's group call's method, Maher (5,450,405)'s processor, for the purposes of establishing and maintaining a group call system with little associated pass through delay, as taught by Maher (5,450,405).

***Citation of Pertinent Prior Art***

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Inventor	Publication	Number	Disclosure
Wang et al.	US Patent Application	2002/0055364	Method and System for Using Common Channel for Data Communications

***Conclusion***


18. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

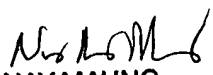
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tanmay S Lele whose telephone number is (703) 305-3462. The examiner can normally be reached on 9 - 6:30 PM Monday – Thursdays and on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay A. Maung can be reached on (703) 308-7745. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

  
Tanmay S Lele  
Examiner  
Art Unit 2684

  
NAY MAUNG  
PRIMARY EXAMINER

tsl  
July 24, 2003